



**Australian  
Competition &  
Consumer  
Commission**

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7 October 2010

Mr Jim Peterson  
Partner  
McCullough Robertson Lawyers  
Level 11, Central Plaza Two  
66 Eagle Street  
Brisbane QLD 4000

By email: [jpeterson@mccullough.com.au](mailto:jpeterson@mccullough.com.au), [adah1@mccullough.com.au](mailto:adah1@mccullough.com.au)

Dear Mr Peterson

**Brisbane Marine Pilots Pty Ltd application for authorisation A91235  
- draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Brisbane Marine Pilots Pty Ltd (BMP) on 10 June 2010.

**Draft determination**

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to deny authorisation for the exclusive agreement. The ACCC's assessment is set out in Chapter 4.

**Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **22 October 2010**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **22 October 2010**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

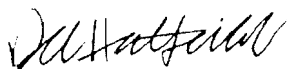
### **Timetable**

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

<b>10 June 2010</b>	Lodgement of application and supporting submission.
<b>18 June 2010</b>	Public consultation process begins.
<b>7 October 2010</b>	Draft determination.
<b>October/November 2010</b>	Public consultation on draft determination including any conference if called.
<b>November/December 2010</b>	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Lauren Roy on (03) 9290 1823.

Yours sincerely



David Hatfield  
Acting General Manager  
Adjudication Branch